

**OPINION
48-210**

November 29, 1948 (OPINION)

WORKMEN'S COMPENSATION

RE: Adoption of Child

You state that the commissioners of the Workmen's Compensation Bureau would like an opinion regarding the following state of facts:

An employee was killed while in the course of his employment and his widow filed a claim which was allowed, and there was a minor son, who is now approximately nine years old. The widow has remarried and a settlement has been made with her pursuant to the law under such conditions. The stepfather writes that he desires to adopt the child and he now inquires whether his adoption will stop the payment to the child prior to the time such child becomes 18 years of age."

It is our opinion that the adoption of the child by the stepfather does not stop the payment of the award made to such child until he arrives at the age of 18 years. We base this opinion on that portion of subsection 4 of section 65-0517 which is material and which reads as follows:

Compensation for each child shall be paid until such child dies, marries, or reaches the age of eighteen years, or, if over eighteen years of age and incapable of self-support, becomes capable of self-support. compensation for a child under legal age shall be paid to its guardian."

You will note that the lawmakers made a provision that payment should stop after the minor marries or reaches the age of eighteen years. If it had been their intention that it should be stopped when he was adopted by a stepfather, they would have so provided. The stepfather in fact becomes a guardian of the child together with the natural mother after the adoption, but we are of the opinion that it does not affect his right to the compensation heretofore awarded.

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